

REMARKS

The present amendment restricts the scope of the protection sought.

Support for the coextruded multi-layered product is found in the working examples- pages 13 et seq. The twin wall sheet of Claim 14 finds support in page 14, line 14.

As presently amended the invention is directed to a coextruded multi-layered product wherein at least one layer, A, contains poly(ester)carbonate and layer B contains polycarbonate and a small amount of diphenyl carbonate. The inventive product is characterized by its virtual freedom from surface defects.

The invention resides in the finding that the presence of a small amount of diphenyl carbonate in Layer B imports to the claimed coextruded, multi-layered product improved surface quality. Attention is directed to the experimental results presented in pages 13 to 17 where shown are the results of the evaluation of several multi-layered products. Accordingly, only products having diphenyl carbonate content within the claimed range (see examples B and D) feature the improvements. Corresponding products that contain lower amounts (examples A and C) or higher amounts (example E) exhibit poor surface properties.

Claims 1-10 were rejected under 35 U.S.C. 112 alleged to be indefinite. As presently amended the compositional makeup of layer B is believed better clarified as containing polycarbonate and a small amount of diphenyl carbonate.

Reconsideration and withdrawal of the rejection under section 112 are requested.

Claims 1-10 stand rejected under 35 U.S.C. 102(b) said to be anticipated by U.S. Patent 6,462,165 (herein Ito).

The standard for anticipation is one of strict identity. To anticipate a claim for a patent, a single prior art document must contain all the essential elements of the claimed invention. In Re Donohue 226 USPQ 619.

Ito disclosed polycarbonate having extremely reduced amount of monomer and low molecular weight substances, including diphenyl carbonate. There is nothing in Ito relative to the presently claimed coextruded multi-layered product.

In the absence of these essential characteristics of the invention as presently claimed, the Ito document cannot reasonably be said to anticipate.

Reconsideration and retraction of the rejection sounding in anticipation are respectfully requested.

Believing the above represent a complete response to the Office Action and that the application is in condition for allowance, Applicants request the earliest issuance of an indication to this effect.

Respectfully submitted,



By: _____

Aron Preis
Attorney for Applicants
Reg. No. 29,426

Bayer MaterialScience LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3814
FACSIMILE PHONE NUMBER:
(412) 777-3902
jdg/preis/ap011